

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

UNITED STATES :
v. : Case No. 16-CR-0067 (HEH)
MAX ALBERTO ESTRADA LINARES :
Defendant :

DEFENDANT'S POSITION IN AID OF SENTENCING

EXHIBIT 5

FEDERAL SENTENCING GUIDELINE
COMMISSION 2017 DRUG
TRAFFICKING OFFENSE DATA

► THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.

► OF THESE CASES, 19,240 INVOLVED DRUG TRAFFICKING.¹

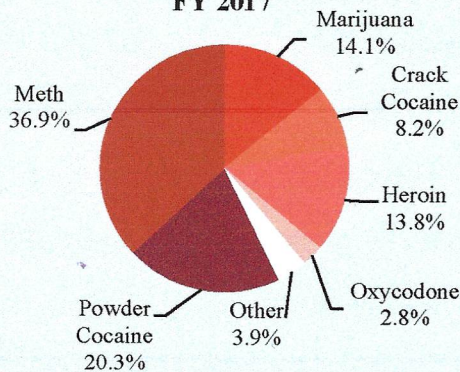
► SIX DRUG TYPES ACCOUNT FOR NEARLY ALL DRUG TRAFFICKING OFFENSES.

Quick Facts



Drug Trafficking Offenses

**Distribution of Drug Types
FY 2017**



**Top Five Districts
Drug Trafficking Offenders
FY 2017**

Western District of Texas
(N=1,605)

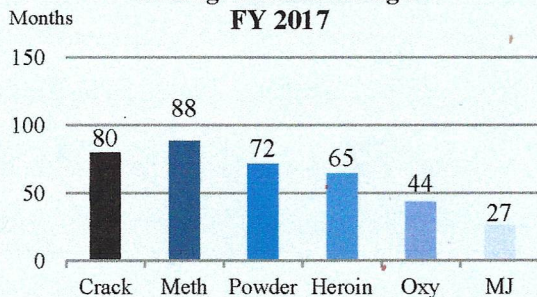
District of Arizona
(N=1,127)

Southern District of Texas
(N=993)

Southern District of California
(N=990)

Southern District of Florida
(N=634)

**Average Sentence Length
FY 2017**



¹ Drug trafficking offenses include cases with complete guideline application information in which the offender was sentenced under USSC §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).

² Offender and offense characteristics as well as the length of punishment differ by primary drug type. Separate Quick Facts publications are available for each primary drug type at www.ussc.gov/research/quick-facts.

The information presented below provides an overview of drug trafficking offenses, though this information may vary depending on the type of drug involved in the offense.

Offender and Offense Characteristics²

- In fiscal year 2017, the majority of drug trafficking offenders were men (84.1%).
- Half of the offenders were Hispanic (49.8%) followed by Black (24.7%), White (22.4%), and Other Races (3.1%), although this rate varied by drug type.
- The average age of these offenders at sentencing was 36 years.
- Almost three-quarters of all drug trafficking offenders were United States citizens (73.9%), although this rate varied substantially depending on the type of drug involved.
- Nearly half (47.9%) of drug traffickers had little or no prior criminal history (*i.e.*, were assigned to Criminal History Category I).
- Drug trafficking sentences were increased for:
 - ◆ 19.6% of offenders because the offense involved the possession of a weapon;
 - ◆ 7.3% of offenders for having a leadership or supervisory role in the offense.
- Drug trafficking sentences were decreased for:
 - ◆ 21.2% of offenders because they were a minor or minimal participant in the offense;
 - ◆ 32.2% of offenders because they met the safety valve criteria in the sentencing guidelines.

Punishment

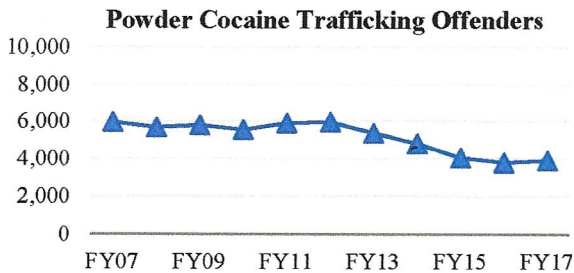
- Most drug trafficking offenders were sentenced to imprisonment (95.6%).
- Three-quarters of drug traffickers were sentenced either within the guideline range (35.5%) or below the range at the government's request (39.4%). An additional 23.6% of drug traffickers received a non-government sponsored below range sentence, with the remaining 1.6% of offenders sentenced above the guideline range.
- The average sentence for drug trafficking offenders was 70 months. However, the average sentence varied depending on the type of drug trafficked in the offense.
- 45.3% of all drug trafficking offenders were convicted of a drug offense carrying a mandatory minimum penalty; however, only half of these offenders (50.0%) remained subject to that penalty at sentencing.
 - ◆ 21.3% provided the government with substantial assistance in the investigation or prosecution of other offenders, 20.5% were eligible for relief through the statutory safety valve provision, and 8.3% received both forms of relief.

Quick Facts

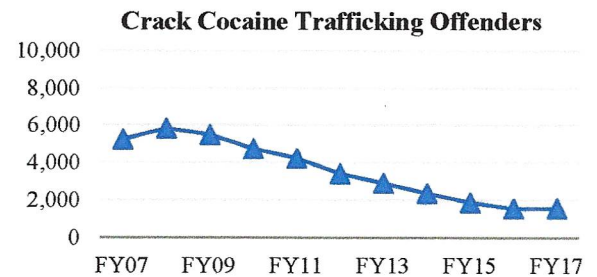
Drug Trafficking Offenses

Six drug types accounted for 96.1% of drug trafficking offenses in fiscal year 2017.

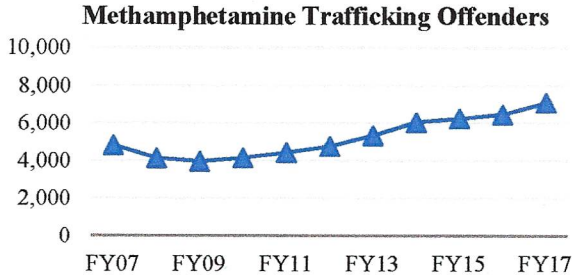
The number of powder cocaine traffickers had been relatively stable until a steady decline began in fiscal year 2013 with the number of offenders regaining stability in recent years.



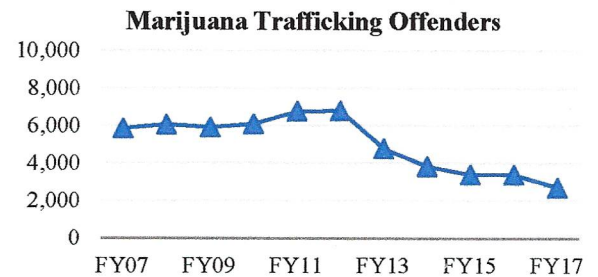
The number of crack cocaine traffickers has decreased substantially since fiscal year 2008 when reductions in crack cocaine penalties were first implemented.



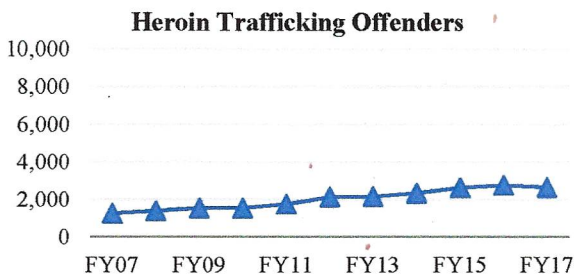
The number of methamphetamine traffickers decreased after fiscal year 2007, but has been increasing since fiscal year 2009.



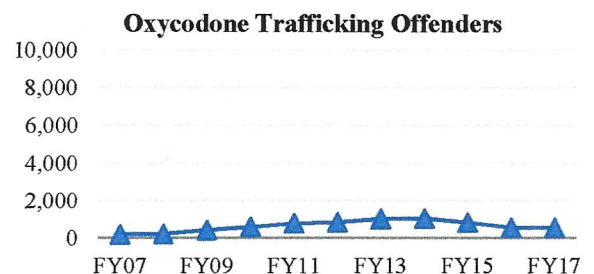
The number of marijuana traffickers rose slightly over time until a sharp decline in fiscal year 2013, which continued through fiscal year 2017.



The number of heroin traffickers had been slowly increasing since fiscal year 2007, but has remained relatively stable in recent years.



The number of oxycodone traffickers increased from fiscal year 2007 through fiscal year 2014 before declining and leveling off in recent years. In fiscal year 2017 the number of oxycodone traffickers was only about half of the fiscal year 2014 number.



For other Quick Facts publications, visit www.ussc.gov/research/quick-facts.



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